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FOR IMMEDIATE RELEASE March 6, 2001

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Conservationists Call for Strong Standards to Protect Pacific Fish Populations

Ocean Wildlife Campaign Urges Fishery Council To Adopt Sweeping Regulatory Actions



Portland, OR – The Ocean Wildlife Campaign (OWC), a coalition of six national conservation organizations, today issued comprehensive recommendations to prevent overfishing and reduce incidental catch of large, oceanic fish in the US Pacific. The recommendations, which affect highly migratory species (HMS) – tunas, swordfish, marlins, and oceanic sharks – in the waters off California, Washington and Oregon, will be presented at the Pacific Fishery Management Council meeting this week in Portland, Oregon.



"Unless we act now, highly migratory Pacific fish may be in danger of decline because of overfishing and indiscriminate, non-selective fishing practices that are common in West Coast waters," said David Wilmot, Ph.D., Director of the Ocean Wildlife Campaign. "We want to avoid the devastation done to Atlantic HMS populations, so we are urging Pacific fishery managers to act now to protect ocean health as well as the economic health of the fishing industries."



Under U.S. law, fishery management plans (FMPs) are developed by regional councils and administered by the National Marine Fisheries Service (NMFS). Currently, there is no comprehensive federal plan for Pacific HMS caught off the US West Coast. FMPs for Atlantic swordfish, sharks, tunas, and marlin were enacted in the 1990s, but several of these populations will require decades to recover from overfishing.



"We applaud the Pacific Council for recognizing the need to protect these important fish. We urge the Council to move quickly and avoid additional delays in finalizing a strong plan," added Russell Dunn, Assistant Director of the OWC.

The Pacific Council meets this week, with participation from representatives from industry and conservation groups, to finalize its draft FMP for HMS off California, Washington and Oregon. The Council is scheduled to release the draft FMP for public comment in April 2001.

The OWC is highlighting the Council's legal mandate to minimize incidental catch or "bycatch" in HMS fisheries. Bycatch includes fish and other marine life taken along with the desired catch as a result of indiscriminate fishing methods and gear. Bycatch can lead to a variety of environmental problems, including overfishing and disruption of marine ecosystem health and biodiversity.

"We are calling on the Pacific Council to establish strong conservation measures to address existing problems, such as bycatch of whales, turtles and unwanted fish in the drift gillnet fishery. The Council must also prevent others gears with well documented bycatch problems, such as drift longlines, from expanding into new areas. The burden of proof must shift; industry must prove that they can clean up their act," remarked Dr. Wilmot. "In other words, show me the bycatch reduction."

To safeguard Pacific Highly Migratory Species, the Ocean Wildlife Campaign is calling for:

- 1. Minimization of bycatch. The FMP should establish a bycatch reduction plan with specific targets and milestones as well as performance standards for all gears;
- 2. A moratorium on all new fishing gears (including gears that would be new to a geographic area such as pelagic longlines). New gears may be allowed in the future, but only if the fishing industry demonstrates that the gear meets conservation standards; and
- 3. Precautionary catch limits to prevent overfishing. Catch quotas with a "margin of safety" are needed now to guard against depletion while scientists develop population assessments and address data gaps and uncertainties.

(For more information on OWC recommendations, see www.AUDUBON.ORG/CAMPAIGN/LO/OW.)

The Ocean Wildlife Campaign is a coalition of the Center for Marine Conservation, National Audubon Society, National Coalition for Marine Conservation, Natural Resources Defense Council, Wildlife Conservation Society, and World Wildlife Fund. The OWC was created to tackle the complex challenge of conserving and restoring giant ocean fishes, including sharks, swordfish, marlin, and tunas. The OWC is generously supported by the David and Lucile Packard Foundation.

4 p.m. Public Comment March 2001 JAN 2 6 2001

Frank Bertoni P.O. Box 1754 Ft. Bragg, CA 95437 707 964 7932 January 21, 2001

Management Council.
Pacific Fisheries Management Council
2130 S.W. Fifth Ave., suite 224
Portland, Oregon 97201

Department of Fish & Game 1933 Cliff Drive, Ste. 9 Santa Barbara, CA 93109

Please find copies of the letters I have sent to the enclosed. They are for your information.

Sincerely

Frank Bertoni

JAN 2 6 2001

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Frank Bertoni P.O. Box 1754 Ft. Bragg, CA 95437 707 964 7932 January 21, 2001

Ms. Patty Wolf Offshore Ecosystem Coordinator 230 Golden Shore, Suite 50 Long Beach, CA 90802

To: Ms. Patty Wolf

I am concerned with what is taking place in the fisheries. I make my living fishing and have been doing so for over forty years. During my career I have seen many changes for the worse. Years ago I fished swordfish. The plank boat sword fishing in the Channel Islands were managed very conservatively, allowing for a breeding stock to continue. Then, spotter planes were allowed to spot for the plank boats. Finally, net boats with mile long nets and long liners with forty miles of gear were also allowed to catch swordfish.

I fished herring in the San Francisco Bay when gill nets, lampara boats and a few purse seiners were the method of fishing for herring. In the beginning lampara boats and the purse seiners were restricted to the north end of the bay. The average boat capacity was 10 - 20 tons. In time most all lampara boats were converted to seiners with a holding capacity of 30 - 40 tons plus. And the rest of the bay was opened to seiners and lampara boats. Then herring roe on kelp was introduced. Herring prefer the kelp to other natural spawning places; so with the seiners and lampara boats netting the smaller herring and the harvesting of the roe on kelp, the potential for future generation of the stock has almost been exhausted to the point of no return.

The squid fishing in the Channel Islands is going down the same road. Now we have boats with 100 - 150 ton capacities, lights and refrigeration, covering a larger area catching small and immature squid. A possible solution to the over fishing problem might be to close the season for 2 months during the highest producing time to allow for spawning.

I am also concerned with the future crab situation. The bigger producing boats want more pots by creating a tier system. For example, the top tier black cod boats can now sell their permits for over \$200,000.00, and they can stack the permits. A handful of fishermen on the coast have monopolized the permits. When purchased from fish and game the cost to them was very little. The situation has hurt the smaller crab boats since they would have fewer pots lessening the value of their permits. If this should take place the smaller boat owners may file a class action suit against the State of California. Please consider the inequities of the situation.

Its a crime what management has allowed to happen with the drag boat fisheries. By the mandatory quota system the excess waste of fish is in the hundreds of tons. Management is responsible for all the past and present problems.

Enclosed find a copy of a letter mailed on August 22, 2000, to the Pacific Fishery Management Council.

Sincerely,

F/V Santina

Ft. Bragg, CA

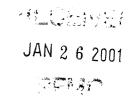
cc: M. Vojkovich

Marine Region - Southern Operation

Pacific Fisheries Management Council

Department of Fish & Game

Frank Bertoni P.O. Box 1754 Ft. Bragg, CA 95437 707 964 7932 January 21, 2001



M. Vojkovich Marine Region - Southern Operations 1933 Cliff Drive, Suite 9 Santa Barbara, CA 93109

To: M. Vojkovich

Pertaining to the Management Option Plans - cutting back on the number of boats allowed to fish will only cut back on the revenue to the Fish and Game Dept. and will not solve the problem of over fishing squid. A few simple examples to save the stock are these: 120 tons caught in the highest season would mean a 60 ton limit until the stock stabilizes, 2 month closure during peak producing period, tonnage limit per boat. Boats not catching their limit would enable the squid to spawn. Also leaving a safe spawning area, closing 2 of the highest producing Islands!

The mentality of some is "the lower the price, the more you have to catch". The opposite is true - "the less you catch, the more its worth". In reality if we had left the Indians with their bow and arrows, we would still be eating buffalo. It's a shame we are destroying one of the biggest resources in the world.

Sincerely.

Frank Bertoni F/V Santina Ft. Bragg, CA

cc: Pacific Fisheries Management Council

Department of Fish & Game

Ms. Patty Wolf Offshore Ecosystem Coordinator

Set Control

Frank Bertoni P. O. Box 1754 Ft. Bragg, CA 95437 707-964-7932 August 22, 2000

JAN 2 6 2001 TERM

Pacific Fishery Management Council 2130 S.W. Fifth Ave., Ste. 224 Portland, Oregon 97201

Draft Groundfish Fishery Strategic Plan RE:

Gentlemen,

My name is Frank Bertoni; I have a small fishing business using a 42' boat, and have been a Commercial Fisherman for over 40 years. I have fished for Swordfish with harpoon, Tuna, Jig fishing, Rock & Ling Cod, Salmon, Sable fish open access and S. F. Bay Herring (Permit # DH-309-SF)

Crab (Permit # 420027-07) Squid (Permit # 750043-02) Sardine (Permit # 450003-03) Anchovy (Permit # 550006-02) Mackerel (Permit # 210003-03) Trap (Permit # 900028-04)

I paid in good faith for a Market Squid Vessel Permit (#750043-02) at \$2,500.00 a year for 3 years. I have invested \$48,000.00 in equipment; seine skiff, power block, hydraulic wenches, nets, lights, etc. I have established a Northern Market for Squid. We have put great effort in our search for the product. However, due to El Nino, the weather and cold water currents, we have thus far been unable to produce product.

The reason I am stating the above facts is due to the proposed Limited Entry Plan, stating that if the product is not produced in the past years you will be denied entry. We are in a difficult area to make this work. We have no tonnage to compete with the Monterey or Channel Islands fleets. We are North of Point Arena, but know there is product in the area, and remain optimistic for the success of our endeavor.

It would be devastating if after all the money, time and effort I have put into this, that you cancel my permit because of no product. I respectfully request you make an exception for North of Point Arena, so we may pursue this fisheries.

Truly yours,

F/V Santina

Fish & Game #

3026

Council members - I am enclosing a copy of the letter I sent you in September. I am also enclosing a copy of the petitions that have been mailed to the Department of Fish and Wildlife. They have received many of these, but still seem to favor the charter operators over the small boat fishers. The way the season is set now I havn't been able to take my grand kids halibut fishing.

Sincerely Ken Crane Ken Crane 5405 160th St SW Edmonds WA 98026

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Pacific Fishery Management Council 2130 SW 5th Avenue Suite 224 Portland, OR 97201

RE: SPORT HALIBUT CATCH ALLOCATION

My wife and I attended a Washington Department of Fish and Wildlife Halibut Advisory meeting on September 8 in Olympia. We went there in support of a proposition to allocate half the sport halibut quota for Area 4 on May 1, the other half on July 1. This year the May 1 quota went to June 16 and the July opener lasted 2 days. For the following reasons we feel a 50-50 split would be more fair.

Small boaters could fish the more dependable weather in July.

Family groups could more easily fish for halibut. As it is now almost all of the season is closed before the kids are out of school.

It would be better for the state because people are fishing Canada or buying Canadian licenses if they want to fish in July or August.

Area 4 is no longer divided into A and B so you can't fish the inside after the outside closes as has been done in the past

With just a few days to fish in July people are more tempted to go out to Swiftsure Bank in marginal weather.

Small boat fishers are solidly behind this proposal. Many petitions of 21 signers each have been gathered at Snow Creek Resort near Neah Bay, and sport shops in western Washington. Many more will be coming. They were sent to Phil Anderson with Intergovernmental Affairs, Department of Fish and Wildlife.

At that September meeting our wishes were ignored. The Fish and Wildlife people present said they will recommend a similar division for 2001. They give a few Neah Bay charter boat and resort operators what they want instead of dividing it fairly with small boaters. We feel that they have had their own way long enough. We think it is time that small boaters and family groups have equal opportunity. We hope the Council will make this change for 2001

Sincerely,

Ken Crane 5405 160th St. SW Edmonds, WA 98026 (425) 743-6787

To - Washington Department of Fish and Wildlife

We the undersigned ask that you give 50% of the sport halibut quota for Area 4 on May 1 and 50% on July 1. This would be very helpful to small boaters to fish in the more dependable weather of July.

Name	Address	
STEPHEN HIPLRY	1518 ZZ8TH ST S	ia. DOTHELL WA. 9a
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Think 12	4322 IK Rd LYNN	Wood NA 98037
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Mail to Phil And	erson Washington Departmen	nt of Fish and Wildlife

600 Capitol Way North Olympia, WA 98501-1091



SEA GULL CHARTERS

SINCE 1958

February 15, 2001

FEB 2 0 2001

Pacific Fishery Management Council 2130 SW Fifth Avenue, Suite 2240 Portland OR 97201

RE: Halibut All Depth Fishing - Florence North Jetty to Humbug Mt. Area 2A

To Whom It May Concern,

The ODFW meeting held on 2/13/01 in Newport, Oregon brought to light many conflicting aspects regarding the Halibut fishing designation. We are opposed to the methods used to determine this fishery and wish to express another view. The commercial by-catch having a halibut mortality of 58% is totally unacceptable. The by-catch should be the allotment for the commercial fisherman and that profit be used to fund having an observer on each boat. We should at least be participating at the same level as Canadian fisheries and demanding that each boat have an observer on each boat. The by-catch must be reduced to acceptable levels of 30% or less.

The allocation of fish needs to be redistributed to the sportsfishing and tribal groups in proportions of at least 25% in each group. These fisheries do not have the same impact on the fish population as the present by-catch. The thought is that with the significant increase in the by-catch of halibut the halibut must be more abundant than is projected.

While the presentation by Mr. Don Bodenmiller was interesting, it is very obvious that he was given a limited choice to present. Fishing four days for halibut by sports fishing is not very worthwhile for the charter offices. Customers have been questioning our office for three months already wanting to know how to plan for fishing dates. We will have a great number of disappointed customers in May if we have only four days to fish. We felt that we did not have a choice as to how to vote since it was presented that five days in May was not an option or we would be seen as not regulating our fishing habitat. Again, the place to restrict the loss of Halibut is in the commercial by-catch.

We would strongly support was the idea to have restricted areas of halibut fishing set aside that the commercial fishermen would not be allowed to fish.

Thank you for allowing a hearing and giving an opportunity for the charter and sportsfishing business groups to have a voice in the decision making process.

Sincerely,

Their an Oplia Judal Greig and Julia Todd

FEB 2 0 2001

- FISHING THE NORTHWEST -THE GREAT BOONDOGGLE OF THE PAST DECADE

Some eleven years ago I retired from the fire service in California and, with my wife, moved to the Oregon coast to pursue my love of boating and fishing the ocean and rivers of this sportsman's paradise. We brought our life's savings and comfortable retirement income to the beautiful small town of Florence on the central Oregon coast. We built our dream house, bought a new 22 foot ocean boat (made in Oregon), new furniture, a new car, and lots of fishing equipment. All of this we purchased from local businesses in our area.

Fishing at that time was fantastic along the Oregon coast. The ocean and rivers were full of salmon, bottom fishing for halibut, ling cod and rock fish was fabulous, and the rivers were full of steelhead, cutthroat trout and spawning herring. Sturgeon fishing in the rivers was also very good, and the Dungeness crabbing was unbelievable. I should note here that I am a 'sport' fisherman, someone who *loves* fishing. I only take fish that my wife and I are going to eat, and perhaps a few more to share with friends and neighbors. I have *never* sold any fish, or taken more than I needed to provide food for my table.

Anyway, a fishermen's paradise prevailed in the Northwest then, and Oregonians, new retirees and vacationers flocked to the Oregon coast to avail themselves of the fishing adventures to be found here from early spring to late fall. All businesses, and especially marina related activities, flourished during this period between the late 1980's and early 1990's. The fishing regulations and limits on species were very reasonable and not complicated for the public to understand and follow.

But now, at the close of the summer-fall year 2000 fishing season, I feel it's time to reflect back, ask questions, appraise current fishing conditions, and figure out the reasons why all types of fishing in the Northwest have been on a steady decline in past years.

In fact, *most* of the predominant species of fish in our area (salmon, halibut, ling cod and rock fish) are now so restricted that it is hardly worth spending money and time to go out fishing! Perhaps this is what the bureaucrats had in mind all along. If that's so, they are doing a very large disservice to all of us, fishermen and non-fishermen alike.

For those of you who aren't fishermen, or who perhaps fish only when your grandkids are visiting, it's probably worth some time to explain how, nowadays, you may fish legally. And it is important to stress that failure to follow the regulations and fish limits could get you a series of heavy fines, even imprisonment. And for a complete understanding of what I'm talking about, one has to understand the simple fish pyramid ecology of the region.

The salmon is the king and major species in our fishery, while the herring is the major food chain for salmon. There are two governmental agencies who manage, regulate, and control our fisheries - the Oregon State Fish and Wildlife Agency, and the Federal Pacific Fishery Council. These agencies not only regulate and control your fishing activities. They also control the many millions of dollars being spent on enhancement of your fisheries each year.

All of us know that human populations on the coast are increasing, and those populations are steadily encroaching on fish spawning habitat. Clearly, there are more people each year who want to sport fish! And why not? This is a beautiful location, and the sport fishing used to be great! But, even now, 93% of the fish take is commercial! Sport fishing is hardly a blip on the radar screen. But, of course, sport fishermen don't have a lobby, and don't usually, at least in a large, organized group, complain. But I get ahead of myself.

Now, it's no secret that the folks who run and work within these two government agencies are politicians who have nothing to do with recreational public fishing. However, most have *extensive* interests in commercial fishing and providing commercial fishing equipment supplies (see enclosure). The personal self-interest of these decision makers sort of reminds me of putting the fox in charge of the hen house. Those from the state agencies imposing conditions and restrictions are biologists who, for the most part, tend to be idealists and want to return fisheries to their unspoiled state of yesteryear. But again, I get ahead of myself.

Now make no mistake. I know the increased population in the area *might* have a bit to do with the reason fish stocks and spawning habitats have been depleted, although I seriously doubt that. But I do know that a significant reason for this depletion lies in our environmental protection of fish predators such as seals, seal lions, cormorants and seagulls. We as a nation have the technology to replace the fish we take by pursuing sophisticated hatchery policies and reducing the predators. We just chose not to use it!

A decade ago and for many years before that nearly all rivers in the northwest had thriving fish hatcheries producing salmon and other species. Today our bureaucrats have eliminated nearly all of the hatcheries. Spawning herring (the main food chain) were abundant in all the rivers. The Yaquina River in Newport was the last river along our coast to still have an abundant stock of spawn herring. Just three years ago, the State Fish and Wildlife Agency was still allowing commercial netters to come in and harvest 20 tons of spawn herring in the Yaquina River. They would remove the eggs and sell them to the Asian nations. The carcasses were disposed of in the dump! Utter stupidity!

But if this isn't enough, let me take you on a typical fishing trip during June 2000. These are the many handicaps and problems we fishermen must endure to catch a fish.

First, I no longer go to my old fishing reef some 15 miles from port. A few years back the "high spot" was fantastic for fishing all species, and commercial boats rarely fished this reef because they were too busy with salmon fishing. I don't go to the "high spot" now because the commercial boats have destroyed the small reef by dragging nets over it and laying long lines throughout its entire length. Because of this, there are no fish there anymore anyway!

My fishing partner and I decided to try crabbing in the ocean and then go to a reef nine miles west of the port jetty. As we go outside the bar to drop our crab pots along the near shoreline, we are not optimistic. The shoreline in both directions is lined with commercial crab pots, some 6 to 8 rows up to a quarter mile out from shore. In past years, we would only see two or three rows of commercial pots. No salmon fishing or heavy restrictions have caused more commercial fishing boats to turn to crabbing. How long can the poor crab species stand this pressure? Not long I suspect!

On to the bottom fishing spot. My partner and I are confident we can catch bottom fish here because our reef is very rocky with up and down sharp 70 foot high pinnacles. The commercial guys can't get their gear into this hostile bottom. Fishing this spot is very difficult even for us and requires the use of specialized terminal gear and very skillful and intense fishing techniques.

Before we drop our lines to the bottom, there are myriad regulations and restrictions on species we must consider. We are allowed to use a maximum of three hooks. However if a halibut happens to grab the bait, we would be illegal, because only *two* hooks are allowed for halibut fishing. If we use only two hooks and a salmon grabs the bait, we are again illegal. Salmon (Chinook only) can only be caught using two barbless hooks and a 6 inch bait. Also, halibut can only be caught when the 4 to 5 day season is open in early May. You can only catch one per day (it used to be two), and the season is on a limited pound quota basis. The season only opens when ocean weather and water is usually too bad for smaller boats to participate. The commercial charter boats and a few of the larger sports boats get to catch these halibut. Of course, we don't talk about the commercial fishing boats who fish salmon. They are allowed to keep one halibut as 'bycatch' for every 3 salmon they catch. The bycatch program goes on all summer into late fall. When do us little guys get a chance to bring back a halibut?! I hook them quite often during the summer but I'm not allowed to keep them!

As I drop my three hooks to the bottom, I'm aware that I can only catch one ling cod which has to be between 24 and 34 inches in length. Did you ever try to measure a thrashing ling cod beside your boat? And if I happen to catch a canary rock fish, I am

only allowed to keep three (my daily limit). If I happen to hook any more than that, they must be released and they die on the surface - food for the sea lions and sea gulls. They are used to the increased pressures on the bottom, and the ride to the surface kills them anyway.

But wait! I just received the new sports regulations for 2001 from Fish and Wildlife. Only *one* ling cod again, but now a further reduction of canary rock fish to one! The notification also states if we start catching canaries, we should pull our lines up and move to a different location to keep from killing further canaries, as if we know what species is going to take our bait!

Now, my line is on the bottom and I get hit big time. *Now* my worry is can I get this fish or these fish to the surface without sharks or sea lions attacking my catch and tearing them from my hook. I have about 500 feet of line to slowly reel to the surface. (Incidentally sea lions and seals are present in almost any area you fish. These furry predators of all fish are protected by law and they have no natural enemies (other than a few Orcas) to reduce their population increases.

After concluding our bottom fishing, my partner and I (hopefully) have a few fish in the box which are the right size and numbers - maybe 4 or 5 fish each. As we return to port, we give some consideration to trolling for a salmon, usually a waste of our time and gas unless a school of salmon happen to be in our area. If we decide to try it, we are only allowed to use a downrigger with a weighted ball, two barbless hooks, and a bait six inches in length. Any other gear is illegal, and using anything else leaves us wide open to hefty fines.

We are only allowed to keep Chinook salmon, and all Cohoes (silvers) must be released at the side of the boat. It is very difficult to distinguish between a medium sized Chinook and a large Coho as it thrashes about your boat on a barbless hook. By the time you make a guess at what type of salmon you have hooked, it will be bleeding badly, and if unhooked will probably die anyway. If you have a "keeper" (Chinook) fish, unless it is hooked deep in the throat it will get off the hook from the delay in netting and swim away. It may also die later from the injury. More seal lion fodder!

After my partner and I have trolled for a salmon for nearly 2 hours, we usually become bored and are concerned about wasting gas on this effort. We return to pick up our 5 crab traps. Our expectation of crab count will be a total of 6 to 10 male keepers. Not very good for six hours soaking.

Just 6 to 8 years ago a serious sports fisherman could go out on a fishing trip and catch a fish box full of ling cod (3 each), rock fish (15 each), 2 to 4 salmon, and occasionally halibut close to shore without too much effort.

The blame for this sorry state of affairs belongs with those government bureaucrats of the fishery council and the state fish biologists who made decisions some years ago to live in a fantasy land and close salmon fish hatcheries, while every year spending millions of dollars of federal and state taxpayers funds to re-establish natural fish spawning habitat. An expensive and poor choice for the recipients, both commercial and sports fisherman of the northwest.

It doesn't have to be this way! There is no significant difference in the quality of a hatchery or natural spawn salmon. Besides, they were intermixed years ago when hatcheries were commonplace on most rivers. And no, El Nino didn't reduce the salmon stock - the bureaucrats did – and they destroyed the herring food supply at the same time.

If there is to be any fishing for us in the future, the government entities must return to the real world and once again produce abundant salmon stocks. All the other fish species will eventually recover when fishing interests again return to productive salmon harvest.

When decisions have to be made by government, sometimes you have to decide who would most benefit from our actions and expenditure of tax funds. An example of a poor choice would be attempts to allow salmon passage around electric producing dams on the Columbia River. An exorbitant and idiotic expense to help a few people have salmon further inland and a far reaching detriment to power supply and commercial business on the river. I can't imagine even one justification any reasonable person would consider to spend our money on such projects.

If all the state funding (Oregon, Washington, California) and annual federal grants were focused on salmon hatchery production on all rivers with easy ocean access, there would be plenty of salmon for all, and the remaining fisheries would have a chance of recovery with only minimal regulation in the next few years.

This sad state of affairs on ocean fishing clearly demonstrates that my government is taking away still another one of my rights - to fish the ocean, enjoy my retirement, and feed my family. Big Brother is watching me closely, with the threat of severe punishment should I violate one of their regulations. The enforcing agencies - state police, county sheriff, and U.S. Coast Guard - all have the right at any time and with no probable cause to board my boat and search my boat thoroughly looking for a law violation. I have been boarded by all three agencies in one day's outing. Hey! All I want to do is enjoy my retirement and, if I am lucky and skillful enough, I might bring home some fresh fish to share with my loved ones and friends.

If we sports fishermen want to be able to fish our lakes, rivers and oceans in the future, we must make a stand NOW and form a united coalition to get rid of the existing "do

nothing" bureaucrats who are not willing to do what is needed to maintain fish stocks, but would rather spend our tax and fee funds on projects dreamed up in their ivory towers.

Come on government, do the work that will really solve the problems and *Give Me A Break!* It is not worth my time or expense to fish the northwest oceans anymore! But, of course as I have said before, perhaps that's what the bureaucrats have hoped for all along.

Respectfully,

Kent F. Duke 87827 Sandrift Street Florence, OR 97439 541.997.6315

Any of those listed below have my permission to use any or all of my story as they see fit, or to contact me if they would like to. However, please don't send or call me with rhetoric relating to what is presently being done. I would consider this to be defensive justifications that I have heard from the governments before, and I'm not interested in hearing any of it again. The bottom line is that your methods aren't working!

cc: John Stossel, ABC, 20/20 Western Outdoor News Governor John Kitzhaber Senators Ron Wyden and Gordon Smith Representative Peter DeFazio Director of Oregon Fish and Wildlife Pacific Fishery Council State Representative Mike Lehman The Oregonian The Register Guard The World Newport's News Times Florence Siuslaw News Pacific Fishery Management Council Janice Green, Umpqua, OR Hans Radke, Yachats, OR Ralph Brown, Brookings, OR

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IF MEXICO CAN DO

Mexico's senate stripped longline owners of their permits December 6, 2000, shortly after Mexico's new President Vicente Fox took office. It was a quick, bold move uncharacteristic of our friends to the south. Yet even as we celebrate this decision to save fish species and mammals off the coast of Mexico, federal officials in California may allow the longlining aberration to take hold in our own backyard.

Only eight short years ago the California Fish and Game Commission addressed this issue and came to the unanimous decision to keep indiscriminate longline killing machines far from our coast.

U.S. commercial interests are now asking for 138 new West Coast longline permits. Mexico had only granted 40 permits during its recent debacle and witnessed a crisis unfold as a result. In addition, the broad swath of longline devastation in Hawaiian waters recently caused a judicial backlash and massive closures for both commercial and recreational fishermen.

So why is the Pacific Fisheries Management Council (PFMC) considering the new longline plans? As the federal caretaker of the West Coast, it controls the destiny of commercial and recreational fishing from Alaska to California. One answer could be that it is currently under advisement by a group called the Highly Migratory Species Advisory Subpanel. Members of this group include nine commercial fishing representatives, one recreational fishing representative and one angler.

According to Sea Watch, a non-profit ecological watchdog, "The Pacific Fish Management Council (www.pcouncil.org) in conjunction with the West Pacific Fish Management Council (www.wpcouncil.org) is studying this proposal. Herein lies the problem. Congress established eight Regional Fish Management Councils, when they enacted the Fishery Conservation and Management Act of 1976. The council's job was to conserve our fish. The problem came when they appointed the most knowledgeable about fishing, commercial fishermen, to run them. Putting commercial fishermen in charge of billions of dollars worth of fish and then asking them to police themselves was to say the least, unrealistic. That is why you have Jim Cook, owner of several longline boats and the owner of Pacific Ocean Producers, which is a large supplier of longline gear, also as the chairman of the West Pacific Fish Management Council. He is the one that opened a warehouse in Ensenada to supply longline gear, ice and bait to Mexico's emerging longline fleet and was the chairman when the council gave the OK to fin 85,000 (reduced to 50,000) blue sharks a year in Hawaii."

Cook has done nothing illegal, he is merely working the system as it was set up. But have we as private citizens been locked out of a decision process so vital to our region of the country that even Mexico has a better track record? As our friends to the south wise up, we are being been stiff-armed by layers of commissions, committees and untouchable federal decision-makers. Mexico is not the only country to elect a new political party into office. Public opinion is extremely valuable as the new administration enters a precarious term at the helm.

Push your opinion forward at websites such as www.whitehouse.gov, www.seawatch.org, www.savefish.com, www.unitedanglers.org and e-mail Dr. Donald O. McIsaac, executive director, PFMC, pfmc.comments@noaa.gov.

Jew Cayata

Mary L. Hudson

ATTORNEY AT LAW

TRANSMITTED BY FACSIMILE & U.S. MAIL

February 18, 2001

Dr. Donald O. McIsaac, Executive Director Pacific Fishery Management Council 2130 SW Fifth Avenue, Suite 224 Portland, Oregon 97201 FEB 2 0 2001

Re: Request for Inclusion in April Agenda, Los Angeles Commercial Fishermen's Association

Dear Dr. McIsaac:

Enclosed is a letter I have written on behalf of the Los Angeles Commercial Fishermen's Association requesting consideration by the Council of a matter of great importance that this group. The Council took action on this matter in 1996. Because of changed circumstances, we are requesting that it be scheduled for new consideration and action by the Council at the April meeting. Please see that the letter is circulated to the Council members at the earliest possible time, so that they can provide direction at the March meeting.

Although I have been unable to reach you by telephone, I have discussed the matter with Jim Glock, who is familiar with the background. He indicated notice deadlines may make it necessary to set the April agenda even before the March meeting. If so, please include this matter for April. If, after considering my written submittal, the Council determines that it does not want to hear this matter, it can be dropped from the agenda. Timely scheduling of the Council's consideration of this matter is important because of the pendancy of final action by NMFS on the rule-making which is the subject of the request.

I would be pleased for the opportunity to discuss the matter with you at your convenience. Although I will be in New York from February 19 through 28, I will be calling in for messages daily and able to return calls.

Sincerely

Mary X. Hudson

Enclosure

cc:

Eileen Cooney Jim Glock

Mary L. Hudson

ATTORNEY AT LAW

TRANSMITTED BY FACSIMILE AND U.S. MAIL

February 17, 2001

Jim Lone, Chair, and Councilmembers Pacific Fishery Management Council 2130 SW Fifth Avenue, Suite 224 Portland, Oregon 97201

Re: Request from Los Angeles Commercial Fishermen's Association

Dear Chairman Lone:

I write to request that the Council, at its April meeting, consider a matter of great importance to the 25 fishing families that make up the Los Angeles Commercial Fishermen's Association (LAFA). These small set net boats fish in federal waters at Huntington Flats, off San Pedro. They face imminent loss of their fishing grounds and, in most cases, their fishing businesses, unless the Council takes action based on relevant new information.

Here, briefly, is the background.

The issue began with a California voter initiative in 1990 which closed state waters to set nets. In 1996, when the State sought to enforce the closure at Huntington Flats, it was stopped by a preliminary injunction issued by a federal judge who determined that the state was preempted by federal rules allowing set nets. Since that time, the LACFA fishers have continued fishing at Huntington Flats. Last December, the State agreed to entry of a permanent injunction against enforcement of the ban.

The matter would be resolved, except that back in 1996 the Council, acting at the urging of California Department of Fish and Game, recommended that NMFS amend its regulations to mirror the California set net ban at Huntington Flats. That process began in May of 2000 with publication of a draft rule in the Federal Register. A date for publication of a final rule has not been announced.

Some important changes have taken place in the nearly five years since the Council considered this issue. The Council has learned of the depletion of many rockfish stocks and the difficulty of identifying strategies for rebuilding stocks. The

Jim Lone, Chair, Councilmembers February 18, 2001 Page 2

species principally targeted at Huntington Flats by the set nets are not among those identified as overfished, but the closure regulation would increase pressure on those stocks by forcing LACFA boats into deeper water. Another change in the last five years is a shift in effort among the LACFA boats away from emphasis on statemanaged species to inclusion of more groundfish, particularly some of the less utilized species. As for the interests that spawned the initiative and the earlier history of conflicts between set net boats and sport fishers, there has been no such conflict during the four years of fishing under the federal court order. Informal and friendly arrangements have made for comfortable sharing of the area and the resources. Now, as before, there is no evidence that use of set nets in this area presents a threat to marine mammals or birds, as has been conceded by CDFG.

Review of the draft rule to close Huntington Flats to set nets shows the published justification to be weak on economic, social, and environmental grounds. We consider the option of a legal challenge to be available. However, after almost a decade of litigation in the wake of this 1990 voter initiative, it seems like time to look for more productive alternatives.

In these difficult times of declining fishery resources, the Council frequently faces the legitimate need for actions that impose great burdens on commercial and recreational fishers alike. In this case, declining fishery resources are not the issue. This is a group of small fishing businesses targeting healthy stocks and filling an economic niche in Southern California. Here the Council has the chance to keep a group of small fishers in business and keep them from having to shift their efforts into other, more heavily impacted fisheries.

Please provide us with an opportunity at the April meeting to present a request for Council reconsideration of the recommendation for NMFS to adopt California's set net closure at Huntington Flats. Our presentation can be kept to about 15 minutes and made primarily in writing, if that is preferable. We would prefer for action on the request to be agendized at the same meeting. I will be available to answer questions at the public comment session at the March meeting.

Sincerely,

Mary L. Hudson

/tor

Los Ángeles Commercial Fishermen

Jim Lone, Chair, Councilmembers February 18, 2001 Page 3

Don McIsaac ¢¢:

Eileen Cooney Jim Glock Donna Panto

DR. DONALD Q. Molsage Pacific Fishery MANAGEMENT Council 2130 SW First five, Suite 224 Portland, OR 9/201 Dear SR. Molsage. This concerns the THREE HECK Rocks NATIONAL WILDLIFE PETUJE, OFFShore FROM Oceanside - West of Tillamock, OR. As you may Know, This KEFULE is considered The MOST important wildlife PERUGE, (South of Alaska), on The clast Coast Until Recently, it was seed A YEAR-AROUND STELLER SEA LION ROOKERY FOR ENDANGERED STELLERS, AS WELLAS, NESTING PROUNDS FOR APPROXIMATELY 350,000 SEA-BIRDS, (PRIMARILY Common Myeres and ABOUT 75 other Bied species Our Home overlooks The Ceruge, and, FOR 15 years we HAVE CONSISTENTLY OBSERVED THE Wildlife Activity And Routine. This is THE FIRST year, (2000-2001), THAT THE STELLERS HAVE BEEN ABSENT FROM THEIR ROOKERY, OTHER THAN A DERY SMALL NUMBER APPEARING OCCASIONALLY AND THEN ONLY BRIEFY. QUE FEARS WERE RECENTLY CONFIRME When AN ODF & W REPRESENTATIVE STATE & THAT THER is No longer enough Food To sustain THE HERd. IT is OBVIOUS THAT THE SEABIRDS ARE ENCOUNTER ING THE SAME PROBLEM. Chick production on THIS (over)



PERULE HAS SEEN REduced FROM POOR TO NONE OVER THE PAST THREE YEARS! COMMON MURRES REQUIRE A FISH SIET AND THEIR FISH ARE Severely depleted. (Engle predation HAS Also Adversely Affected Common Murre production To Some extent.) Over-FISHING is THE PRIMARY CULPRIT CAUSING THE destruction of our marine eco-5/stem. (Climatic Changes And pollution ARE Also CONTRIBUTING.) THE PACIFIC FISHERY MANAGEMENT Council HAS NOT MET ITS COMMITTMENT TO PROTECT ALL MARINE LIFE BY SUPPORTING AND PROMOTING A HERITHY MARINE ENVIRONMENT. YOU CONTINUE TO MAKE ONLY SMALL REQUESTIONS IN CATCH LIMITS AS THE ENTIRE FISHERY declines deamanically Alons with THE WILdlike dependent upon it (What carch REductions THAT WERE MADE OCCURRED UNDER THREAT OF AUSUIT, THE Council MUST AdopT A STRONG CONSURUA Tion policy Before it's Too lase And, Temporary We would-Appreciate A Response FROM YOU, and, please include our letter in your MAR. 2001 SINICERELY, CC: NMFS-SEANLE ila Notan Mr & Mrs Robert Dolan 5315 Netarts Hwy. NW Tillamook,OR 97141 USFW Robertw. Dolan

ATTORNEY AT LAW

HICANAL

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PEMO

TRANSMITTED BY FACSIMILE - 503/978-4689

March 5, 2001

Dr. Donald O. McIsaac, Executive Director Pacific Fishery Management Council 2130 SW Fifth Avenue, Suite 224 Portland, Oregon 97201

Re:

Los Angeles Commercial Fishermen's Association:

Response to Your Request for Further Information

Dear Dr. McIsaac:

This will respond to your request by telephone late this afternoon for information on three points of interest to Council members in reviewing the request of Los Angeles Commercial Fishermen (LACFA) for a place on the Council's April agenda. I understand that you will provide for distribution of this information to the Council.

Question # 1: What changes affecting the LACFA and the Huntington Flats issue have occurred since the Council action in October 1997?

A key change since 1997 has been the new knowledge about depletion of groundfish stocks and the resulting new economic pressures on the fishing fleet. Closures, quota reductions, and other restrictions are hammering sport and commercial fishers. This is unavoidable if stocks are to be rebuilt. But at a time like this, the Council should make every possible effort to preserve fishing operations that don't have to be sacrificed in order to rebuild stocks. The LACFA fleet is unusual in that it takes modest landings of non-depleted stocks, fishes close to home with a clean gear, free from marine mammal conflicts and bycatch wastage, and fills a primarily local niche market. The Council should reconsider its proposed regulatory extinction of this fleet in light of the these changed circumstances.

A related change is the new information about depletion of many rockfish species not now being fished by LACFA vessels. The NMFS rationale for closing Huntington Flats includes the expectation that some of the vessels will move into deeper waters to fish. Those that do will have as their principal available species the rockfish now known to be in need of *less*, not more fishing pressure.

Dr. Don McIsaacs March 5, 2001 Page 2

Another change has been the increased reliance of the LACFA vessels on groundfish landings. Data we have submitted to NMFS on seven of the most active boats showed groundfish landings ranging between 11 and 67 percent of total landings during 1997-1999. At the high end, this is a significant change from data presented to the Council in 1997, when the boats were more dependent on state-managed species. The new data shows that these boats are a vital part of the small vessel component of the Pacific fleet managed by the Council.

Another new item of relevant information concerns the cooperative and harmonious conditions which have prevailed at Huntington Flats in the four and a half years the LACFA vessels have fished there under federal court order. Previously expressed concerns about gear conflicts and area competition with recreational fishers have not proved to be true. The fishers have worked it out amicably among themselves.

Still another change is the December 2000 entry of a consent decree in U. S. District Court for Northern California under which the California Department of Fish and Game is permanently enjoined from enforcing the state's initiative-based set net ban in federal waters at Huntington Flats. The court order is based on the preemptive effect of existing federal regulation which allows set nets. The court order has resolved the dispute and will remain controlling unless NMFS modifies the existing federal regulation.

A particularly important change since the Council's 1997 decision has been publication of NMFS's Environmental Assessment, Initial Regulatory Flexibility Analysis and statement of rationale in support of the proposed rule. This material has proved to be deeply flawed, both legally and factually. It is quite evident that NMFS struggled long and hard -- and unsuccessfully -- to come up with legally defensible reasons for closing Huntington Flats to set net gear. We believe the explanations do not even come close to meeting the tests of Magnuson-Stevens, NEPA, or Regulatory Flexibility Act. Quite simply, the Council should reconsider its recommendation of this regulation in light of these realities before the decision is allowed to become final and subject to judicial review.

Question # 2: What are LACFA's expectations regarding catch of statemanaged species?

LACFA anticipates continuing its current pattern of landings from Huntington Flats, which are a mix of state and federal-managed species, varying with the season and from one vessel to another. As noted, the overall proportion of groundfish

Dr. Don McIsaacs March 5, 2001 Page 3

landings has increased in recent years so that groundfish are a very significant component of set net landings from Huntington Flats, and there are indications that the trend will continue. Like most small boats, these boats fish for state or federal-managed species depending upon seasons and market conditions. That flexibility is needed for economic survival, and the federal judge reviewing LACFA's case against CDFG specifically found that a predominance of state-managed species does not remove these fishers from the coverage of the Magnuson-Stevens Act.

Question #3: What does LACFA want the Council to do?

At the April meeting, LACFA intends to request that the Council reconsider and withdraw its recommendation that NMFS modify existing regulations to prohibit use of set net fishing gear to take groundfish at Huntington Flats in the EEZ. NMFS' action to institute rule-making responded to the Council's 1997 closure recommendation. If the Council withdraws that recommendation, LACFA will request that NMFS discontinue the on-going rule-making in so far as it affects Huntington Flats. Because the proposed rule rests on a very weak foundation, we are optimistic about the prospects for NMFS to abandon this effort if the council withdraws its recommendation. Our request would not affect pending proposals to close three other areas off central California in order to reduce entanglement and drowning of protected birds and marine mammals.

Thank you for the opportunity to present these points. I understand the tremendous pressure the Council is under at meetings and the preciousness of hearing time. If the LACFA matter can be agendized for April, I anticipate keeping our oral presentation very brief, with the only presenter being myself. Our written submittal would be more extensive, but could be available for early circulation on very short notice.

Sincerely,

Mary L. Hudson

Los Angeles Commercial Fishermen

Sea K Fish Co

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WHOLESALE SALMON, BOTTOM FISH, HERRING, CRAB & SHELLFISH PRODUCTS

FEBRUARY 22, 2001

TO: PACIFIC FISHERIES MANAGEMENT COUNCIL GROUNDFISH ADVISORY PANEL AND GROUNDFISH MANAGEMENT TEAM

MY NAME IS SAM HENLEY, I CURRENTLY WORK FOR SEA K FISH CO., IN BLAINE, WASHINGTON AS MANAGER. I HAVE BEEN HERE FOR 18 YEARS. PRIOR TO THIS POSITION I WAS PRODUCTION MANAGER FOR WASHINGTON CRAB PRODUCERS 20 YEARS AND I OPERATED MY OWN FISH BUSINESS FOR FIVE YEARS BEFORE THIS. I HAVE BEEN IN THE BOTTOM FISH BUSINESS FOR 45 YEARS.

THE MAIN REASON FOR THIS LETTER IS YOUR DECISION TO PUTARROWTOOTH FLOUNDER ON A QUOTA LIST TO PROTECT A FEW RED ROCKFISH. THIS WILL BE VERY DETRIMENTAL TO OUR COMPANY. YOU THINK YOU ARE SAVING A FEW ROCKFISH BUT THIS WILL END UP COSTING OUR FISHERMEN AND OUR COMPANY SEVERAL MILLIONS OF POUNDS OF PRODUCT.

I FURTHER DISAGREE WITH YOUR PRESUMPTION THAT THESE BOATS ARE CATCHING A LOT OF CANARY ROCK IN THIS FISHERY. WHAT I HAVE SEEN IN THE PAST IS MOSTLY A BY-CATCH OF DOVER SOLE, BLACK COD AND A FEW IDIOT FISH.

AS I STATED BEFORE, I HAVE BEEN BUYING GROUNDFISH FROM BOATS FISHING OFF THE WASHINGTON COAST FOR OVER 40 YEARS. THERE NEVER HAS BEEN A LARGE CONCENTRATION OF THESE FISH IN THIS AREA. IN THE EARLY 60'S WE HAD OVER 500 SALMON TRAWLERS ON THE COAST BRING IN 30,000 TO 40,000# OF ROCKFISH PER DAY OF BY-CATCH. WE VERY RARELY SAW A RED ROCK IN WITH THESE FISH. WE HAD OVER 15 DRAG BOATS AND 10-15 SHRIMP BOATS DRAGGING AT THAT TIME (1960'S AND 1970'S) AND VERY SELDOM SAW A RED ROCK. WE HAD THE FIRST MID-WATER BOAT ON THE WASHINGTON COAST, THE PAT SAN MARIE, CATCHING UP TO 100,000# PER DAY, BUT NEVER ANY RED ROCK.

I BELIEVE THAT WITH ALL THIS EFFORT GOING ON, IF THERE WAS A LARGE BODY OF RED ROCK ON THE WASHINGTON COAST OR EVEN A SMALL BODY, SOMEONE WOULD HAVE BEEN CATCHING THEM! I BELIEVE YOU ARE TRYING TO PROTECT AND BUILD UP A GROUP OF FISH THAT WAS NEVER A NATIVE IN ANY QUANTITY TO THE WASHINGTON COAST.

ANOTHER EXAMPLE OF RED ROCK NOT EXISTING ON THE WASHINGTON COAST, IN THE 50'S AND EARLY 60'S, WHEN THE ONLY ROCK THAT WAS PURCHASED BY THE FISH COMPANIES, MAINLY DAHL FISH AND BORNSTEIN'S IN BELLINGHAM, WAS CANARY ROCK. WHY DID ALL THESE BOATS TRAVEL 24 TO 36 HOURS INTO CANADIAN WATERS TO FISH WHEN THEY COULD HAVE REACHED THE WASHINGTON COAST IN 12 HOURS?

I KNOW I DON'T HAVE ANY STATISTICS TO BACK UP WHAT I SAY BUT I WAS THERE AND THESE ARE FACTS.

THE ARROWTOOTH FLOUNDER IS A VERY IMPORTANT PART OF OUR BUSINESS AND ALSO VERY IMPORTANT FOR THE FISHERMEN IF WE ARE TO BE ABLE TO CONTINUE TO EXIST IN THIS BUSINESS.

THANK YOU,

SAM HENLEY – MANAGER SEA K FISH CO., INC.

SDH/imc